

Additional Views by Senator Daniel K. Akaka

Senate Committee on Governmental Affairs, Special Investigation

The Committee's investigation into the 1996 elections was triggered primarily by reports in the news media relating to Asia. Shortly before the election, news organizations reported that donors and fundraisers with ties to the Asia-Pacific region were linked to questionable contributions to the Democratic Party. After the election, the news media reported that U.S. intelligence agencies suspected the Chinese government of attempting to influence the elections.

In light of this, it was understandable--and appropriate--that the Committee devoted a great deal of time and attention to examining certain Asian nationals, Asian Pacific Americans, the so-called China Plan, and related matters. While I did not object to, and in fact supported, investigating these matters, I continue to have serious concerns about the manner in which the investigation was conducted. On a number of occasions, in my view, the Majority exhibited insensitivity to the effect of its actions and words on Americans of Asian ancestry.

For example, in its discussion of the China Plan, the Majority Report confuses Chinese business and social connections of certain Asian American donors and fundraisers with the possibility of their being "foreign agents." Seeds of doubt are cast out as to whether these individuals are loyal American citizens. Some of the subjects of the investigation may have violated campaign finance laws and some have been indicted by a federal grand jury. However, I am aware of no conclusive evidence that any of these individuals betrayed the United States. Absent stronger evidence, the Committee should refrain from making such damaging allegations.

The Majority also exhibited insensitivity by blurring the important distinction between Asian nationals and Asian Americans. Let us remember that a congressional investigation is a powerful tool, and, like any tool, it must be used with skill and with care. If a congressional investigation is not conducted in that manner, it becomes a blunt instrument that can inflict serious harm to the reputations of innocent individuals.

I am not just concerned that the Committee might have disparaged specific Asian Americans. I am also concerned about the effect that the allegations and insinuations of disloyalty may have on other Asian Americans--and, indeed, American citizens of other ethnic groups. The history of our country is replete with examples of ethnic groups whose loyalty has been questioned merely because of the national origin or religion of members of those groups.

During the 19th century, many U.S.-born Protestants viewed Irish Catholic immigrants as “Papists” who owed a special loyalty to Rome that conflicted with their loyalty to the United States. Many young people may not realize it, but this canard was used as recently as 1960--against then-Senator John F. Kennedy. Some of his opponents argued that a Catholic should never be elected President, on the grounds that he would be obliged to take orders from the Pope!

During World War II, thousands of Japanese Americans and their foreign-born parents were held in federal internment camps solely on the basis of nationality and on the speculation that they would betray the United States to Japan. Such fears proved to be baseless and many Japanese Americans distinguished themselves in battle. The all-Nisei 100th/442nd combat team is the most decorated unit in U.S. military history.

I strongly condemn all illegal fundraising activities, and I support prosecution of any individual or entity that may be guilty of violating federal campaign finance laws. However, I do not hold all Asian Americans responsible for the alleged actions of a few. With the majority of Americans choosing not to vote, let us not discourage Asian Americans from participating in the development of public policy because they believe the system is against them. Nor should Asian Americans be held to a higher standard than other citizens, and their political contributions should not be suspect. We cannot be guilty of selective harassment of those with Asian surnames because such actions only underscore the Asian American community's fear that they are being held responsible for the alleged crimes of some individuals who happen to be of Asian heritage.

I am also concerned with the Majority's approach to the Special Investigation and its overriding focus on foreign money, which obscures the fact that foreign donors played a minuscule role in Democratic fundraising efforts in the 1996 election cycle. The Democratic National Committee voluntarily returned about 172 contributions out of 2.7 million contributions, which represents .01 percent of the contributions received. Of the 172 returned contributions, fewer than 30 were returned because there was a determination that they were illegal or improper.

All of the confirmed and suspected contributions from foreign sources in the 1996 election cycle totalled a few million dollars, representing a tiny fraction of the hard money and soft money contributions made during that cycle. Soft money contributions alone totalled more than a quarter of a billion dollars, most of it from wealthy individuals and corporations. Well-heeled donors also influenced the electoral process by funding political campaign ads through nonprofit groups,

claiming that these were merely “issue advocacy” ads.

While the Majority on this Committee focused on Charlie Trie, Johnny Chung, John Huang, Maria Hsia, Roger Tamraz, and others, the Majority has missed the forest for the trees. These individuals were not the only ones seeking access to decision-makers or influence over the actions of the federal government. Without a doubt, the conclusions of the Special Investigation should not be ignored. Those who have broken laws should be prosecuted and punished.

However, the Majority Report fails to focus on the real problem: campaign finance abuse and the need to reform the way federal elections are funded. Although it may be overshadowed by hyperbole about the so-called China connection, the most disturbing evidence gathered by the Committee details the use and abuse of our current campaign finance laws. The misuse of tax-exempt groups for political advocacy and fundraising; the creation and exploitation of tax-exempt shell organizations; the role of “independent” groups and issue advocacy expenditures; the exchange of access for campaign contributions; and the role of soft money in undermining the entire campaign finance system are some of the practices and loopholes utilized by both parties that are the most troubling instances of improper or illegal practices chronicled during the Special Investigation.

I am pleased that several Republican members of the Committee strongly back real campaign finance reform, including Chairman Thompson. However, as long as Senate Republicans continue to choke off all efforts to revise our campaign finance laws and enact substantive reform, we will fail the American voters.

Finally, I wish to associate myself with the Additional Views of Senator Richard J. Durbin. Senator Durbin’s statement echoes the concerns I have expressed throughout the investigation relating to the failure of the Majority to enforce subpoenas issued by the Committee. The lack of enforcement and refusal to comply with Senate-issued subpoenas has set a dangerous precedent. I am hopeful that the serious disregard of Committee subpoenas has not harmed the Senate power to subpoena individuals to appear at hearings or submit requested information.

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